IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE B.PRAKASH RAO

AND

THE HON'BLE MR. JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 14984 OF 2006

Dated: November 3, 2006

Between:

G.Ranga Seshi Reddy

Petitioner

AND

K.Krupa Rao and others

Respondents

ORDER:

(Per the Hon'ble Sri Justice Ramesh Ranganathan)

Heard Mr. K. R. Prabhakar, learned counsel for the petitioner, Mr. P.V.Krishnaiah, learned counsel appearing for the first respondent and the learned Government Pleader for Services – II for respondents 2 to 4 and at their request, the Writ Petition is disposed of at the stage of

admission.

The present writ petition is filed against the order of the A.P. Administrative Tribunal in O.A. No.1655 of 2005 dated 13.06.2006, wherein the order of the District Collector, Ongole, in holding that the respondent/applicant had been promoted as a Hostel Welfare Officer Grade-I beyond the quota, was set aside by the Tribunal on the ground that, under Rule 23 of the A.P. State and Subordinate Service Rules, the Collector was not empowered to review any order beyond the period of six months. Aggrieved by the said order the petitioner herein, though not a party before the Tribunal, has filed the present writ petition.

The fact that the District Collector does not have the power to review an order, beyond the period of six months, is not in dispute. Sri K. R. Prabhakar, learned counsel for the petitioner would, however, submit that under Rule 25 of the A.P. State and Subordinate Service Rules, the Government is empowered to review the earlier promotions made and that the promotion of the first respondent – applicant was beyond the quota prescribed and was, therefore, illegal.

Admittedly, the impugned order has not been passed by the Government, but has been passed by the District Collector and as such it is Rule 23, and not Rule

25, of the A.P. State and Subordinate Services Rules which applies and since the District Collector admittedly does not have jurisdiction to review an order beyond the period of six months, the order of the Tribunal cannot be faulted.

Mr. K. R. Prabhakar, learned counsel for the petitioner, further submits that since the appellate Authority i.e. the Commissioner, had directed the District Collector to review the order, the power exercised by the District Collector must be held to have been under Rule 25 and not Rule 23. We are unable to accept this submission. The power conferred under Rule 25 is on the Government and not on the District Collector or the Commissioner. Admittedly, in the present case, the Government has not invoked its powers under Rule 25 and, therefore, Rule 25 has no application.

The writ petition fails and is accordingly dismissed. However, in the circumstances, without costs.

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B.PRAKASH RAO, J.

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RAMESH RANGANATHAN,
J.

November 3, 2006
MAS